



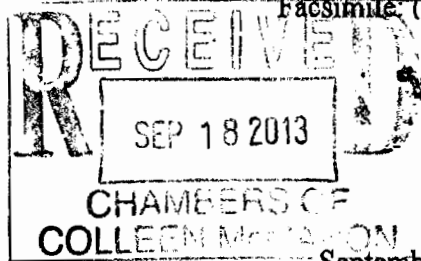
Division of
Enforcement

U.S. COMMODITY FUTURES TRADING COMMISSION

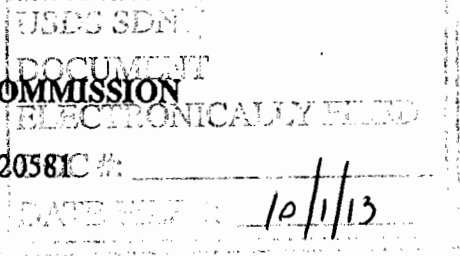
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September 18, 2013



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MEMO ENDORSED

By Facsimile: (212) 805-6326
Honorable Colleen McMahon
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *CFTC v. Eric Moncada, et al.*, Civil Action No. 12-cv-8791

Dear Hon. Colleen McMahon:

10/1/13
The Commission's proposed dates
Colleen McMahon

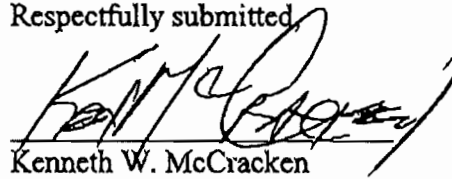
On behalf of the U.S. Commodity Futures Trading Commission ("Commission"), I write to the Court seeking clarification of discovery deadlines recently reset by the Court.

1. On September 16, 2013, the case docket shows a memo endorsement stating that the Court "accept[s] the Commission's proposed dates."
2. The dates proposed by the Commission in its Motion for Reconsideration, or, in the Alternative, to Reset Discovery Deadlines, were November 15, 2013 for the close of discovery, and December 13, 2013, for the date which the parties' joint pre-trial order as well as any dispositive motions are due. (Docket Entry 31).
3. Also on September 16, 2013, there is a docket entry that simply states "Set/Reset Deadlines; Discovery due by 10/15/2013."
4. October 15, 2013 was not one of the dates requested by the Commission, and thus this entry conflicts with the memo endorsement in which the Court states that it accepts the Commission's proposed dates.
5. Additionally, I write to confirm that the due date for the Defendant's expert report is September 30, 2013, as the Defendant did not specify an exact date in September in his Motion to Extend Time, only referencing the month. September 30 is the last day of the

month. (Docket Entry 25). Counsel does, however, reference September 30 as the date requested in his Affirmation in Support of Motion for Extension of Time to Complete Discovery. (Docket Entry 26).

Could the Court please confirm that the deadlines and due dates referred to above in numbers 2 and 5 are correct?

Respectfully submitted,



Kenneth W. McCracken
U.S. Commodity Futures Trading Commission

Cc: Richard Asche (via e-mail)